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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,328	07/03/2001	Louis L. Hsu	YOR9-2001-0339US1 (728-21)	4784

7590

09/24/2003

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EXAMINER

CUNNINGHAM, TERRY D

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,328

Applicant(s)

HSU ET AL.

Examiner

Terry D. Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-12, 14-27, 29-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 3-12, 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 16-27, 29-31 and 33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Summary of changes in this action.

1. The rejection in view of Horowitz et al. has been overcome responsive to the amendment.
2. The rejections under 35 U.S.C. § 112 have been overcome.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Itoh et al. (USPN 5,388,084, cited 21 February 2003). Itoh et al. disclose in Figs. 13-15, a circuit comprising: “means for charge pumping (20)”; “means for controlling (19, 21, 27 and 61)” including “a limiter circuit (21)” and “an oscillator (19 and Fig. 15); and “means for programming (22, less 27)” including “means for receiving at least one control signal (the lines receiving input signals SW0-SW7)”, “means for processing (switches 28) using at least a series of bias stages (R1-R9)”, “means for generating (25-35) at least one control signal” and “means for outputting (voltage being output between 30 and 32)”, all connected and operating similarly as recited by Applicant.

Examiner has fully considered Applicant's remarks for the above rejection and has not found them to be persuasive.

With respect to claims 16-27, Applicant remarks that “Because the output of the voltage limiter 21 is not accepted as an input by the booster circuit 20, the voltage limiter 21 does not

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'control' the booster circuit 20 within the meaning of Claim 16". Examiner initially responds by stating that the phrase "within the meaning of Claim 16" is not understood. Claim 16 provides no special meaning for the term "controlling" other than just its ordinary usage. Secondly, nowhere is claim 16 even seen to recite a "voltage limiter". The "voltage limiter" is not recited until claim 17. Thus, it is impossible for claim 16 to have a special meaning concerning the "voltage limiter".

In addition, Applicant's discussion of the necessity of the "voltage booster" accepting "as an input" the "output of the voltage limiter 21" is not at all understood. It would be more than reasonable to one skilled in the art that an element can be connected to the output of a second element can be considered to provide control therefor. Clearly, by controlling the output of the "voltage booster", the "voltage limiter" of Itoh et al. will clearly control such. Also, in addition to providing voltage limiting, element 21 of Itoh et al., in conjunction with transistor 27, feedbacks an output to the voltage setting circuit (which effectively provides the voltage detection). Clearly, since the circuit of Figs.13-15 of Itoh et al. has feedback operation responsive to "voltage limiter" 21, "voltage limiter" 21 will indirectly control the input of "voltage booster" 20.

With respect to claims 29-31 and 33, contrary to Applicant's remarks, the "output control signal" from the comparator at the drain of 30 controls the limiter by controlling 27 and will control the oscillator via 61.

Thus, the above establishes that the reference to Itoh et al. meets the limitations of claims 16-27, 29-31 and 33. Thus, the rejection is maintained.

Allowable Subject Matter

It appears that claims 18-24 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims and such that claim 18 was amended such that --exclusively-- were inserted before “generating” in lines 3 and 6.

Claims 3-12, 14 and 15 are deemed allowable since it is clear that the additional limitation concerning “first input control signal” being “for exclusively generating a first output control signal...for controlling the limiter circuit” and the “second input control signal” being “for exclusively generating a second output control signal...for controlling the oscillator circuit” is not disclosed in any of the cited prior art references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

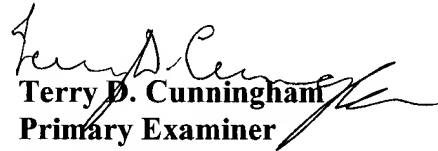
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Cunningham whose telephone number is 703-308-4872. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 703-308-4876. The fax phone numbers for Technology Center 2800 are 703-872-9318 for Before Final communications and 703-872-9319 for After Final communications. Please note, any faxed paper clearly stating **DRAFT** or **PROPOSED AMENDMENT** at the top will be forwarded directly to the Examiner. All others will be treated as a formal response and acted upon accordingly.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-308-0956.

TC
September 23, 2003


Terry D. Cunningham
Primary Examiner
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